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Sent: 3/29/2019 1:38:09 PM
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Subject: FL 404 Assumption Status

Leif,

Apologies for getting this to you a little late this week. Two updates (I've already sent you an email on #2):

- 1. On our March 26th bi-weekly call with FDEP, Stephanie Gray disclosed additional Corps edits to the Corps/FDEP MOA that were not reflected as redline changes in the version EPA reviewed last week. The edits affect the modifications section and the enforcement section. The modification edits look fine but we're still trying to make sense of the enforcement edits and plan to have more internal discussions next week. Stephanie also expressed some concern that the Corps' edits to FDEP's definition of administrative boundary for purposes of defining adjacent wetlands may present partial assumption issues. The EPA team took another look at the Corps' language and**

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- 2. On our March 26th bi-weekly call with FDEP, Stephanie Gray shared that the House chamber of the Florida legislature has drafted a "House Memorial" that "urges" the U.S. Congress "to direct the United States Environmental Protection Agency to issue a memorandum of agreement by July 1, 2019, so Florida may complete the assumption of a section 404 dredge and fill permitting program under the federal Clean Water Act." We believe the "memorandum of agreement" referenced in the memorial refers to the EPA/FDEP MOA. The whereas clauses of the House Memorial, especially those found in a recent amendment, paint EPA in a very unflattering light and suggest EPA has delayed Florida from assuming the program. The memorial is currently in draft. It does not have to be signed by the governor and does not have the force of law, but instead is a mechanism to formally petition the federal government to act. (see <https://www.flsenate.gov/Session/Bill/2019/00799>).**

There have been no changes in the status of the assumption deliverables. Included below are rough estimates of deliverable completeness including how far along we are to getting review/signatures/buy-in from necessary parties.

- Letter from Governor requesting program approval
- Complete program description
- Attorney General's statement
- EPA/DEP MOA

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- Corps/DEP MOA Ex. 5 Deliberative Process (DP)
- Copies of all applicable state statutes and regulations, including those governing applicable state administrative procedures Ex. 5 Deliberative Process (DP)

The 5-way MOA is not a required component per the 404 assumption regulations but it is something that will be part of FL's program so we've attempted to assign it a completeness number as well.

- 5-way MOA Ex. 5 Deliberative Process (DP)